MONTANA LEGISLATIVE HISTORY

Chapter 394 1997

Bill H 184 S _____ Original bill & history ✓ C

H. Committee on Human Services

Hearing Date(s) 1/20 ___C
ex 1/22 ___C
_____ ___C
_____ ___C

Date Out _____ ___C

S. Committee on Public Health

Hearing Date(s) 2/5 ___C
ex 2/12 ___C
_____ ___C
_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HB 182 INTRODUCED BY MASOLO, ET AL. *LC0399 DRAFTER: NISS*

RELATING TO GENERAL ELECTIONS IN WHICH A CANDIDATE DIES SHORTLY BEFORE THE ELECTION

1/08	INTRODUCED		
1/08	FIRST READING		
1/08	REFERRED TO STATE ADMINISTRATION		
1/13	FISCAL NOTE RECEIVED		
1/14	FISCAL NOTE PRINTED		
1/16	HEARING		
1/24	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/27	2ND READING PASSED	95	2
1/28	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
1/29	FIRST READING		
1/29	REFERRED TO STATE ADMINISTRATION		
2/05	HEARING		
2/11	COMMITTEE REPORT—BILL CONCURRED		
3/03	2ND READING CONCURRED	47	2
3/04	3RD READING CONCURRED	47	1
	RETURNED TO HOUSE		
3/09	SIGNED BY SPEAKER		
3/10	SIGNED BY PRESIDENT		
3/11	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 85		
	EFFECTIVE DATE: 10/01/97		

HB 183 INTRODUCED BY MASOLO, ET AL. *LC0306 DRAFTER: ERICKSON*

REVISE THE LAWS RELATING TO SCHOOL FIRE DRILLS

1/08	INTRODUCED		
1/08	FIRST READING		
1/08	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/20	HEARING		
1/27	COMMITTEE REPORT—BILL PASSED		
1/29	2ND READING PASSED	94	5
1/30	3RD READING PASSED	95	4
	TRANSMITTED TO SENATE		
1/31	FIRST READING		
1/31	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/17	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED	34	16
3/14	3RD READING CONCURRED	31	18
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	90	9
4/11	3RD READING CONCURRED AS AMENDED	89	8
4/20	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 423		
	EFFECTIVE DATE: 10/01/97		

HB 184 INTRODUCED BY PECK, ET AL. *LC0488 DRAFTER: ERICKSON*

REVISE THE LAWS RELATING TO GUIDE OR HEARING DOGS

1/08	INTRODUCED		

1/08	FIRST READING		
1/08	REFERRED TO HUMAN SERVICES & AGING		
1/20	HEARING		
1/24	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/27	2ND READING PASSED	95	0
1/28	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
1/29	FIRST READING		
1/29	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/05	HEARING		
2/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/06	2ND READING CONCURRED	50	0
3/07	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	88	8
4/11	3RD READING CONCURRED AS AMENDED	95	0
4/17	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 394		
	EFFECTIVE DATE: 10/01/97		

HB 185 INTRODUCED BY BERGSAGEL, ET AL. *LC0630 DRAFTER: CAMPBELL*

EXEMPT FROM REGISTRATION THE OFFER OR SALE OF SECURITIES BY A COOPERATIVE ASSOCIATION TO ITS MEMBERS OR AS NECESSARY OR INCIDENTAL TO ESTABLISHING MEMBERSHIP IN THE COOPERATIVE ASSOCIATION

1/08	INTRODUCED		
1/08	FIRST READING		
1/08	REFERRED TO BUSINESS & LABOR		
1/21	HEARING		
1/21	TABLED IN COMMITTEE		
2/12	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	98	0
2/18	3RD READING PASSED	99	1
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO BUSINESS & INDUSTRY		
3/04	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/12	2ND READING CONCURRED	50	0
3/13	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	96	0
4/11	3RD READING CONCURRED AS AMENDED	96	0
4/17	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 395		
	EFFECTIVE DATE: 07/01/97		

House BILL NO. 184

INTRODUCED BY Jack Wyatt Gillan Marshall Rice

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO GUIDE OR HEARING DOGS; DEFINING THE TERM "SERVICE DOG"; ALLOWING A PHYSICALLY DISABLED PERSON TO BE ACCOMPANIED BY A SERVICE DOG IN A PUBLIC PLACE; ALLOWING A SERVICE DOG IN TRAINING IN A PUBLIC PLACE; ALLOWING FULL ACCESS TO HOUSING ACCOMMODATIONS TO A PERSON TRAINING A SERVICE DOG; AND AMENDING SECTIONS 49-4-203 AND 49-4-214, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-4-203, MCA, is amended to read:

"**49-4-203. ~~Definition~~ Definitions.** (1) "Housing accommodation" means any real property or portion ~~thereof which~~ of real property that is used or occupied or is intended, arranged, or designed to be used or occupied as the home, residence, or sleeping place of one or more human beings ~~but~~. The term does not include any single-family residence the occupants of which furnish for compensation not more than one room ~~therein~~ within the residence.

(2) "Service dog" means a dog individually trained to provide assistance to an individual with a physical disability, including total or partial blindness or deafness."

Section 2. Section 49-4-214, MCA, is amended to read:

"**49-4-214. Right to be accompanied by ~~a guide or hearing~~ service dog.** (1) ~~Every~~ A ~~totally or partially blind or deaf~~ physically disabled person has the right to be accompanied by a ~~guide or hearing~~ service dog~~, especially trained for the purpose,~~ or a service dog in training in any of the places mentioned in 49-4-211(2) without being charged extra for the ~~guide or hearing~~ service dog. ~~He~~ The physically disabled person is liable for any damage done to the premises or facilities by ~~such~~ the dog.

(2) ~~Every~~ A ~~totally or partially blind or deaf~~ physically disabled person who has a ~~guide or hearing~~ service dog or who obtains a ~~guide or hearing~~ service dog is entitled to full and equal access to all housing accommodations as provided in 49-2-305 and 49-4-212. ~~He~~ The physically disabled person may not be required to pay extra compensation for the ~~guide or hearing~~ service dog but is liable for any damage done

HB184
INTRODUCED BILL

to the premises by the ~~guide or hearing~~ service dog.

(3) A person who is training a service dog is entitled to the same rights granted to a physically disabled person in this section."

-END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By CHAIRMAN DUANE GRIMES, on January 20, 1997, at 3:00 P.M., in ROOM 104.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. Loren L. Soft, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. John C. Bohlinger (R)
Rep. Bill Carey (D)
Rep. Deb Kottel (D)
Rep. Billie Krenzler (D)
Rep. Brad Molnar (R)
Rep. Wes Prouse (R)
Rep. Diane Sands (D)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)

Members Excused: Rep. Molnar & Rep. Boharski

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Jaelene Racicot, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 108 & HB 184 (1-14-97)
Executive Action: None

HEARING ON HB 184

Opening Statement by Sponsor: **REP. RAY PECK**, HD 91, introduced the bill. ***{Tape: 1; Side: A; Approx. Time Count: .2; Comments: See exhibit 1.}***

Proponents' Testimony: Fran Buell, Area Coordinator from Gilford. ***{Tape: 1; Side: A; Approx. Time Count: 3.2; Comments: See exhibit 2.}***

Kyla Hofeldt, Chinook. ***{Tape: 1; Side: A; Approx. Time Count: 11.0; Comments: None.}***

Lindsay Schmidt, Havre. ***{Tape: 1; Side: A; Approx. Time Count: 15.4; Comments: None.}***

Fran Buell ***{Tape: 1; Side: A; Approx. Time Count: 19.0 ; Comments: Ms. Buell continued speaking on behalf of the bill.}***

Opponents' Testimony: None

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 25.0.}

Closing by Sponsor: **REP. PECK** ***{Tape: 1; Side: a; Approx. Time Count: 32.0; Comments: REP. PECK CLOSED.}***

HEARING ON HB 108

Opening Statement by Sponsor: *REP. SWANSON, HD 30, introduced the bill.* **{Tape: 1; Side: A; Approx. Time Count: 33.0; Comments: See exhibit 3.}**

Proponents' Testimony: *Nancy Ellery, Department of Public Health and Human Services.* **{Tape: 1; Side: A; Approx. Time Count: 39.0; Comments: See exhibit 4.}**

{Tape: 1; Side: B; Approx. Time Count: 0; Comments: Nancy Ellery continued with her testimony.}

Rose Hughes, Executive Director of the Montana Nursing Home Association. **{Tape: 1; Side: B; Approx. Time Count: 1.1.}**

Pat Melby, Rimrock Foundation. **{Tape: 1; Side: B; Approx. Time Count: 3.1; Comments: Mr. Melby would support the bill with the amendments.}**

Melissa Case, United Health Care Workers Union. **{Tape: 1; Side: B; Approx. Time Count: 3.7; Comments: None.}**

Opponents' Testimony: *None*

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 6.7.}

Closing by Sponsor:
REP. SWANSON CLOSED. **{Tape: 2; Side: A; Approx. Time Count: 13.1; Comments: None.}**

EXHIBIT 1
DATE 1/30/97
HB 184

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

MARC RACICOT
GOVERNOR

LAURIE EKANGER
DIRECTOR

STATE OF MONTANA

PO BOX 4210
HELENA, MONTANA 59604-4210

January 15, 1997

Representative Ray Peck
State House of Representatives
State Capitol Building
Helena, MT 59624

SUBJECT: HB 184 Comments

Dear Representative Peck:

Thank you in advance for sponsoring HB 184 which defines a "service dog" and those who may use a service dog for the purposes of Title 49 of the Montana Human Rights Act.

After reviewing the bill and the provisions under the federal Americans with Disabilities Act (ADA), I have some suggestions that I believe would make the language of HB 184 more uniform with ADA and the currently proposed HB 53. The purpose of HB 53 is to make all language regarding individuals with disabilities uniform in most, if not all, current and future Montana codes. My suggestions would make HB 184 conform with the language in federal and state codes and regulations.

Please consider the following: 1) the term "disabled persons," "physically disabled" and "person with a physical disability" should be replaced with "individuals with disabilities." These changes should take place on page one, lines 5, 19, 23, 25, 27, and 29, and page two, line 2 and 3. This change would comply with ADA and the wording in HB 53. 2) The term "service dog" should be replaced with "service animal." These changes should take place on page one, lines 5, 6, 8, 18, 24, 25, 26, 28, and 30, and page two, line 1. Again, this change would be consistent with ADA. Service animal is more encompassing than service dog.

Service animals are covered under Title III of ADA. State law prevails when it provides protection for individuals with disabilities at a level greater or equal to that provided by ADA. However, federal law takes precedence when there are conflicting State laws. It appears that if HB 184 is not uniform with ADA, then we would likely have a conflicting State law.

I appreciate your time and consideration. Please contact Vicki Turner, Independent Living Specialist and Title I ADA Coordinator, at 444-4175 if you have concerns or questions.

Thank you.

Sincerely,

Joe A. Mathews, Administrator
Disability Services Division
Department of Public Health and Human Services

◆◆ ◆ ◆◆

Service dogs can provide companionship, physical assistance, and often help humans form therapeutic bonds that provide physical, psychological, and social benefits. The decision by a person with disabilities to acquire a service dog should be a considered, well-researched process that includes: learning about the abilities and limitations of service dogs, assessing the person's needs and the impact the dog can have on the person's lifestyle, and responsible stewardship issues.

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Service dogs are *not* a panacea for every negative aspect of a disability. However, dogs that are trained to assist with their owners' individual needs *can* provide the amount of physical and/or emotional support necessary to propel a person toward more functional independence.

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Service dogs can be obtained already trained through training programs or an individual trainer, or a person with a disability may choose to train his or her own dog with or without the assistance of a trainer. ***Following are some of the issues that a person must consider and resolve to his or her satisfaction prior to obtaining a service dog:*** Programs may require the person to meet specific disability criteria, and might have waiting periods of months or years before a dog is available. Individual trainers with proven expertise might be difficult to locate. Follow-up training might be difficult to obtain. There are no uniform, enforceable professional credentialing requirements or standards that dictate minimal acceptable quality of all trainers or service dogs; trainers are not required to have health-assessment skills, nor is there a regulatory agency that ensures cost containment or consumer protection for people who want service dogs. The National Service Dog Center has information that can help you to evaluate your options and make informed decisions.

Service dogs can benefit people who have disabilities associated with many different diagnoses

including, but *not* limited to:
visual or hearing deficits • arthritis
ataxia/poor balance • multiple sclerosis
cerebral palsy • muscular dystrophy
spina bifida • seizure disorders
spinal cord/head trauma (injury, stroke)
sickle cell anemia • post-polio syndrome
cardiopulmonary disease • diabetes
arteriovascular disease
AIDS • chronic pain • anxiety neuroses
recovery from trauma or depression

Scientific research validates the role of service dogs for people with disabilities

In 1995, a two-year study by Dr. Karen Allen, et. al., found that people with disabilities who had service dogs scored higher for psychological well-being, self-esteem, community integration, and the amount of control they could exert over their environment. In addition, the number of personal assistant (human) hours required for care decreased by an average of 78%. This represents significant potential savings in healthcare costs. Other studies support the findings of improved self-esteem, independence, and social acceptance.

Additional research documents the benefits of companion animals

reduced blood pressure, serum cholesterol
stress moderation • improved motivation
mitigation of the effects of loneliness
--all are benefits which a service dog can provide, in addition to performing the tasks which it is trained to do.

FOR MORE INFORMATION CONTACT:

delta society
NATIONAL SERVICE DOG CENTER℠
289 Perimeter Road East
Renton, WA 98055-1329
800-869-6898 (VOICE); 800-809-2714 (TDD)
(206) 226-7357 (Int'l); (206) 235-1076 FAX
E-mail: 103454.1045@compuserve.com

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Service dogs can be trained to reliably perform many tasks, such as:

☑ ***leading*** a person who has a visual impairment around obstacles, to destinations (seating, across street, to/through door, to/into elevator, etc.).

☑ ***sound discrimination*** to alert a person with a hearing impairment to the presence of specific sounds, such as smoke/fire/clock alarms, telephone, baby crying, sirens, another person, timers buzzing, knocks at door, unusual sounds (things that go bump in the night, mice in the cabinet, etc.).

☑ ***general assistance***, including *mobility* (helping person balance for transfer and ambulation, pulling wheelchair, helping person rise from sitting or fallen position); *retrieval* (getting items that are dropped or otherwise out of reach, carrying items by mouth); *scent discrimination* (locate items, people, places such as bathrooms, elevators, escalators, return path); *miscellaneous* (open and close doors and drawers, help person undress/dress, carry items in a backpack, act as physical buffer to jostling by others, put clothes in washer/remove from dryer, bark to alert for help).

☑ ***sense and alert owners to oncoming seizures***. It is currently unknown why or how some dogs are able to do this, but some dogs have demonstrated the ability to warn their owners of oncoming seizures, enabling the owners to position themselves safely.

☑ ***emotional support***, providing contact and focus to facilitate homeostasis during potentially difficult episodes.

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Any person who has a physical or psychological/emotional condition which substantially limits a major life activity might be a candidate for a service dog.

■ ■ ■

Service dogs help people overcome the limitations of their disabilities and the barriers in their environments.

■ ■ ■

Service dogs are versatile, reliable assistants for people with disabilities. No longer limited to guiding people with visual impairments, service dogs perform a wide variety of tasks suitable as intervention for an equally wide assortment of limitations.

Consideration of a person as a candidate for a service dog should include not only the diagnosis of a chronic disability, but also the person's ability to function on a daily basis:

- How difficult are activities of daily living?
- Will the person have better stamina if s/he can conserve energy by having the dog perform tasks?
- Would having a service dog help the person get more physical exercise, be more mobile?
- Would a dog help socially by being a distraction from the person's disability, or help the person externalize his/her focus of attention?
- Would the dog's presence alleviate some of the safety and well-being concerns of significant others who cannot be with the person all day?
- Would the person eat better if the dog carried the food from the refrigerator, or if they synchronized their meals?
- Would the dog provide the needed assistance to help the person stay employed?

Healthcare and social service providers can help identify and evaluate their clients' needs to determine if a service dog might be viable healthcare intervention.
Service dogs for people with disabilities is not just a dog training issue--
it is a healthcare issue as well.

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In addition to our
•NATIONAL SERVICE DOG CENTER•
delta society is pleased to offer the following programs and services:

•***PET PARTNERS®***, our unique curriculum that provides for the *training* and *testing* of volunteers and their companion animals to visit people in hospitals, nursing homes and other facilities. The program includes *registration, quality control, continuing education* and *liability insurance* for our volunteers and their animals.

•***EDUCATION AND REFERRAL CENTER***, the nation's resource of information, advocacy, and training on how animals enrich our lives and affect our well-being.

•***SPECIALIZED EDUCATIONAL PROGRAMS***, including courses in animal-assisted activity and therapy (AAA/AAT), and our national and international conferences.

•***CONSULTATION SERVICES***, providing needs assessment and plan development to meet your specific informational and program needs.

•***PUBLICATIONS***, from the distinctive scientific journal *Anthrozoös* to our quarterly *InterActions* and the National Service Dog Center newsletter *Alert*, we provide the latest information on the many ways that animals enhance our lives.

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Text and layout: Susan L. Duncan, RN

healthcare options: ***SERVICE DOGS*** for people who have disabilities

delta society

ANIMALS HELPING PEOPLE
PEOPLE HELPING ANIMALS

The civil rights of people with disabilities to be accompanied by their service animals in places of public accommodation is provided for by the following legislation:

State laws, such as the Washington State RCW 70.84.010. (Check current state laws in state of interest)
Federal law, the Air Carrier Access Act (1986) [final regulations issued 1990].
Federal law, the Fair Housing Amendments Act (1988).
Federal law, the Rehabilitation Act (1973).
Federal law, the Americans with Disabilities Act (ADA, 1990).

Other local, state and federal laws might also apply in specific situations.

NOTE: When state and federal law conflict, the law which is less restrictive (i.e., gives greater protection) to the person with the disability prevails. Also, while this brochure describes service *dogs*, the ADA covers service *animals*. It is possible that another species might be encountered in this role. The same guidelines apply.

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FOR MORE INFORMATION
about service animals, CONTACT:

delta society
NATIONAL SERVICE DOG CENTER℠
289 Perimeter Road East
Renton, WA 98055-1329
800-869-6898 (VOICE)
800-809-2714 (TDD)

◆◆ ◆ ◆◆

about the
Americans With Disabilities Act (ADA),
CONTACT:

US Department of Justice
ADA Information Line, Washington, DC
800-514-0301 (voice); 800-514-0383 (TDD)

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In addition to our
•NATIONAL SERVICE DOG CENTER•
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•***EDUCATION AND REFERRAL CENTER***, the nation's resource of information, advocacy, and training on how animals enrich our lives and affect our well-being.

•***SPECIALIZED EDUCATIONAL PROGRAMS***, including courses in animal-assisted activity and therapy (AAA/AAT), and our national and international conferences.

•***CONSULTATION SERVICES***, providing needs assessment and plan development to meet your specific informational and program needs.

•***PUBLICATIONS***, from the distinctive scientific journal *Anthrozoös* to our quarterly *InterActions* and the National Service Dog Center newsletter *Alert*, we provide the latest information on the many ways that animals enhance our lives.

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Text and layout: Susan L. Duncan, RN

facts you should know about ***SERVICE DOGS***

delta society

ANIMALS HELPING PEOPLE
PEOPLE HELPING ANIMALS

? *WHAT IS A SERVICE DOG?* Any dog individually trained to do work or perform tasks for the benefit of a person with a disability. This can include guiding a person with impaired vision, alerting a person with impaired hearing to the presence of people or sounds, pulling a wheelchair, retrieving dropped items, etc.[1] Service dogs are trained by programs, independent trainers, or the person with the disability who owns the dog.

? *WHAT IS A DISABILITY?* Any physical or mental condition which substantially limits a major life activity such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.[2]

? *ARE ALL DISABILITIES VISIBLE?* No. Many disabilities are hidden, such as epilepsy, heart disease, vision and hearing impairments, lung disease, and those that are of psychological/emotional origin.

? *CAN I DEMAND THAT A PERSON TELL ME DETAILS ABOUT THEIR DISABILITY?* No.[3]

? *CAN A PERSON BE REQUIRED TO SHOW PROOF THAT THEIR DOG IS A SERVICE DOG?* No.[4] While some dogs receive "certification papers," others do not. There is currently no national standard with which to evaluate the training or performance of any type of service dog, including guide dogs.

? *WHAT DOES A SERVICE DOG LOOK LIKE?* A service dog can be any breed or size. It might wear specialized equipment such as a backpack, harness, or special collar or leash, but this is not a legal requirement.

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[1] ***The Americans with Disabilities Act (1990)***, Title III Technical Assistance Manual, III-4.2300 [28 CFR 36.301-36.310]

[2] ***Ibid.***, III-2.1000-2.700 [28 CFR 36.104]

[3] ***Op. cit.***, III-4.2300.

[4,5] ***Op. cit.***, III-4.2300.

? *WHAT KINDS OF TASKS DO SERVICE DOGS PERFORM?*

- Lead people who have visual impairments (guide work)
- Alert people who have hearing impairments to the presence of people, specific sounds (hearing or signal work)
- Sense their owners' oncoming seizures and warn them. The person then has time to sit or lie down before the seizure begins.
- Help physically and/or emotionally by: picking up things, providing support and/or minimal protection, carrying items in backpacks, opening doors, helping the person walk, etc.

? *HOW DO I KNOW IF A DOG IS A SERVICE DOG?* If you aren't sure whether a dog is a pet or a service dog, ask the person holding the leash. "Is this your pet?" is non-confrontational and permits the person to identify the dog in a dignified manner.

? *ARE SERVICE DOGS REALLY PERMITTED TO BE IN PLACES LIKE GROCERY STORES, RESTAURANTS, AND MOVIE THEATERS?* Yes.[5] A public accommodation must modify its policies to permit the use of a trained service dog by an individual with a disability, unless doing so would result in a fundamental alteration or jeopardize the safe operation of the public accommodation. While service dogs might not be found riding on a roller coaster or being admitted into a sterile surgical area, service dogs may accompany their owners in taxi cabs, trains and buses, to their doctors' offices, to work, in hotels and motels stores, health clubs, schools and practically every other place the general public is welcomed.

? *WHO IS RESPONSIBLE FOR THE BEHAVIOR OF THE SERVICE DOG?* The person at the other end of the leash. Service dogs must obey leash and vaccine laws and be under the control of their handlers at all times. Their behavior should be neither disruptive nor destructive.

••SERVICE DOG ETIQUETTE••

You're not dealing with just a dog.

Please speak first to the person. It's correct human *and* canine manners!

Petting the service dog--do not touch either the service dog or its person without first asking permission. Touching the service dog might distract it from its work. Touching the person might be interpreted as assault.

Feeding the service dog--resist the temptation to offer treats to the service dog.

Barking, meowing, whistling, and making other rude noises at the service dog: Don't. You'll look silly.

Conversing with the person about the service dog, disabilities, other dogs you have known: Questions of a personal nature should be avoided. If the person volunteers information, you may decide if you wish to continue the conversation. Don't feel offended if the person declines to talk about him/her self or the service dog--not everyone wants to be a walking "show and tell" exhibit.

WHAT IF . . .?

. . . you don't like or are afraid of dogs? Place yourself away from the service dog. If you are a business person, discreetly arrange for someone else to wait on the person. You may ask the person to have the service dog lie down if it does not interfere with its work.

. . . the service dog barks, growls, or otherwise forgets its manners? Find out what happened before taking action. Was the service dog stepped on, poked, asleep and dreaming, performing its job (some alert their owners to oncoming seizures by barking once or twice)? If the service dog's behavior is disruptive or destructive, you may ask the person to remove it from the premises.

. . . other people complain about the dog being present? Explain that the service dog is medically necessary and that federal law protects the right of the person to be accompanied by the service dog in public places.

> Educational Video

This 15-minute video (available closed or open captioned) provides accurate, comprehensive training about the facts employees need to know about service dogs. Employees will learn about service dog related laws that affect businesses, proper etiquette when interacting with service dog owners, and how to provide good customer service to people who have service dogs.

> Employee Information Poster

An attractive, 4-color poster to display at the employee information area. Summarizes key points of video to reinforce learning and reduce chances of discrimination.

> *Service Dogs Welcome!™* Entrance Stickers

An eye-catching sticker for business entrances to notify public, demonstrate compliance with the law.

> Business Training Kit

Includes everything you need to maximize training benefits including a training instruction guide, brochure hand-outs, and employee post-tests for certification.

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EXHIBIT 2
DATE 1/20/97
HB

TO: LEGISLATIVE HEARING COMMITTEE

HB104-PECK- Revising the laws relating to guide, hearing, service dogs, allowing guide, hearing, service dogs in training access to public places.

FROM: Fran Buell, Area Coordinator
PawsAbilities-Canine Partners for People with Disabilities

In August of 1996, I became involved in the PawsAbilities organization as a means to extend the existing 4-H Dog Care Project in Montana. The PawsAbilities "foster puppy" program offered 4-H members an opportunity to expand their project without owning a dog for the dogs entire lifetime, plus it would provide a positive learning experience for the 4-H'er and a valuable service to the State of Montana and its communities.

While working with the "foster puppies" and their 4-H handlers these past few months I have come to appreciate how difficult it is to get access to public buildings for these Service Dogs in training and their handlers. Current State laws allow access to public buildings to the disabled and their guide or hearing dogs. Service dogs for the mobility-disabled are not included in this access law, nor is the guide, hearing or service dog in training and their handler.

For those of us taking the responsibility of training these special dogs for future use by persons with disabilities, we must first secure permission into every store, park, or public facility before entering with the dogs. This involves: 1.) Finding the person with authority to allow admittance; 2.) Providing lengthy explanations, reasons and assurances that the dog and handler will not cause problems; 3.) Be required to wait for admittance to the facility while it is discussed with others in the facilities for final approval; 4.) If admittance is granted-adhere to restrictions such as being confined to certain areas of the facility, prior notification as to when the dog and handler will be in the facility(1-5 day prior notice), in the case where the handlers are under the age of 18 years-accompaniment of and adult is often required and 5.) When staying in motels, there is often a $5.00-$20.00 extra charge of allowing "a Pet" to stay.

These are just a few examples of what obstacles the people who have taken on this project to help the disabled. The people training these special dogs want to expose them to every conceivable situation to make sure the dogs accept every type of situation as "just part of their life" and not react unfavorably to these situations. They want to train the dog to lie quietly under the table while their master eats a meal in a restaurant; while in a shopping mall, they want to teach the dog to walk quietly by their master, paying no attention to noises or crowds.

When attending a basketball or a football game, the trainer wants to be able to teach a dog to lie quietly even when a cannon booms, a loud band plays or the crowd roars. In a classroom with its young master, the trainer wants to teach the dog to lie by its masters desk waiting for the command to retrieve a dropped pencil, even when a class bell rings or other students are moving about. The best and fastest way these dogs can learn to do this is through practice where these situations will arise. The dogs must experience a loud noise and be trained to remain calm; he must learn how to press elevator buttons by pressing the buttons, enter the elevator and assist his master in the elevator through actual practice and he must learn to do bank transaction by being able to jump up to the counter and retrieving the deposit ticket. This is why access is necessary in this learning process.

Dogs being trained for these uses are "working dogs" and not "pets". The dogs in training are required to wear capes or leashes identifying them as "Guide, Hearing or Service Dogs in Training" while they work in public. The handlers are screened and required to attend training sessions with the dog for the 12-18 months that the dogs are in "foster homes". Their progress is periodically evaluated by the PawsAbilities Director to make sure they are being trained and taken care of properly.

It is just common sense that these dogs and handlers, with proper identification such as a cape or leash with "in Training" designation be allowed access to public buildings. Such access would help insure these dogs would accept all situations as "part of their life". This access could shorten the initial training period and make it possible to place the working dog with a Partner with Disabilities sooner, thus allowing the disabled to enjoy freedoms in our communities they would not have otherwise.

I would encourage you to approve this revision, as it can only help those in our communities with disabilities.

Thank you for your time and consideration.

Fran Buell

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By CHAIRMAN DUANE GRIMES, on January 22, 1997, at 3:00 P.M., in ROOM 104.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. Loren L. Soft, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. John C. Bohlinger (R)
Rep. Bill Carey (D)
Rep. Deb Kottel (D)
Rep. Billie Krenzler (D)
Rep. Brad Molnar (R)
Rep. Wes Prouse (R)
Rep. Diane Sands (D)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)

Members Excused: Rep. Molnar & Rep. Prouse

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Jaelene Racicot, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 256 & HB 27 1-18-97
Executive Action: HB 184

{Tape: 1 ; Side: A; Approx. Time Count: .3; Comments: EXHIBIT 1 was given to the committee at the request of Rep. Sands.}

HEARING ON HB 256

Opening Statement by Sponsor: REP. ELLEN BERGMAN, HD 4, introduced the bill. ***{Tape: 1; Side: A; Approx. Time Count: .9; Comments: Rep. Bergman offered an amendment and submitted EXHIBIT 2.}***

Vote: THE MOTION FAILED. *{Tape: 3; Side: A; Approx. Time Count: 19.0.}*

Motion: REP. SIMON MOVED TO SUSPEND ACTION ON HB 128. *{Tape: 3; Side: A; Approx. Time Count: 19.6.}*

Vote: THE MOTION CARRIED UNANIMOUSLY. *{Tape: 3; Side: A; Approx. Time Count: 19.7.}*

EXECUTIVE ACTION ON HB 184

Motion: REP. SOFT MOVED HB 184 DO PASS. *{Tape: 3; Side: A; Approx. Time Count: 21.0; Comments: None.}*

Motion: REP. KOTTEL MOVED THE AMENDMENTS *{Tape: 3; Side: A; Approx. Time Count: 21.9.}*

Discussion: REP. GRIMES *{Tape: 3; Side: A; Approx. Time Count: 22.5.}*

REP. KOTTEL *{Tape: 3; Side: A; Approx. Time Count: 22.9; Comments: Explained the amendments.}*

REP. SIMON *{Tape: 3; Side: A; Approx. Time Count: 24.9.}*

REP. KOTTEL *{Tape: 3; Side: A; Approx. Time Count: 25.5.}*

REP. SANDS *{Tape: 3; Side: A; Approx. Time Count:25.7.}*

REP. GRIMES *{Tape: 3; Side: A; Approx. Time Count: 26.3.}*

Vote: THE MOTION CARRIED. *{Tape: 3; Side: A; Approx. Time Count: 28.0.}*

Motion: REP. KOTTEL MOVED HB 184 DO PASS AS AMENDED. THE MOTION CARRIED UNANIMOUSLY. *{Tape: 3; Side: A; Approx. Time Count: 28.1.}*

HOUSE OF REPRESENTATIVES
ROLL CALL

HUMAN SERVICES COMMITTEE

DATE 1-22-97

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. Loren Soft, Vice Chairman	✓		
Rep.Carolyn Squires, Vice Chairman	✓		
Rep. Darrel Adams	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. John Bohlinger	✓		
Rep. Bill Carey	✓		
Rep. Deb Kottel	✓		
Rep. Billie Krenzler	✓		
Rep. Brad Molnar			✓
Rep. Wes Prouse			✓
Rep. Diane Sands	✓		
Rep. Bruce Simon	✓		
Rep. Liz Smith	✓		

HOUSE STANDING COMMITTEE REPORT

January 23, 1997

Mr. Speaker: We, the committee on **Human Services** report that **House Bill 184** (first reading copy -- white) **do pass as amended.**

Signed: _____
Duane Grimes, Chair

And, that such amendments read:

1. Title, line 5.
Strike: "DOG""
Insert: "ANIMAL""
Strike: "PHYSICALLY DISABLED"
Following: "PERSON"
Insert: "WITH A DISABILITY"

2. Title, line 6.
Strike: "DOG" in two places
Insert: "ANIMAL"

3. Title, line 8.
Strike: "DOG"
Insert: "ANIMAL"

4. Page 1, line 18.
Strike: the first "dog""
Insert: "animal""
Following: "a dog"
Insert: "or other animal or a bird "

5. Page 1, line 22.
Following: "dog"
Insert: "-- identification for service animals in training"

Committee Vote:
Yes 14, No 0.

161202SC.Hgd

6. Page 1, lines 22, 24, 25, 26, 28 (in two places), and 30.
Page 2, line 1.
Strike: "dog"
Insert: "animal"

7. Page 1, line 24.
Page 2, line 2.
Strike: "dog"
Insert: "animal"

8. Page 1, lines 23 and 27.
Strike: "physically disabled"
Following: "person"
Insert: "with a disability"

9. Page 1, line 24.
Following: "training"
Insert: "with identification complying with subsection (4)"

10. Page 1, line 25.
Strike: "physically disabled"

11. Page 1, line 26.
Following: "person"
Insert: "with a disability"

12. Page 1, line 29.
Strike: "physically disabled"
Following: "person"
Insert: "with a disability"

13. Page 2, lines 2 and 3.
Strike: "physically disabled"
Insert: "with a disability"

14. Page 2.
Following: line 3
Insert: "(4) For the purposes of this section, a service animal in training must wear identification identifying the animal as a service animal in training."

-END-

SENATE PUBLIC HEALTH, W & S

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- REREFERRED ---- DATE READ

HB0149	JOHNSON, ROYAL		REVISE PROVISIONS REGARDING THE HEALTH FACILITY AUTHORITY					
	2/17	3/12		CONCUR AS AMENDED	3/12	VOTE:		3/14
HB0184	PECK, RAY		GEN. REVISE LAWS RELATING TO GUIDE & HEARING DOGS; DEFINE "SERVICE ANIMAL"					
	1/29	2/05		CONCUR AS AMENDED	2/12	VOTE:		2/14
HB0256	BERGMAN, ELLEN		CLARIFY LPN AS CHARGE NURSE IN CERTAIN LONG-TERM CARE FACILITIES					
	2/07	3/07		CONCUR	3/10	VOTE: UNANIMOUS		3/12
HB0297	MCCANN, MATT		PROVIDE INSURED PERSONS DIRECT ACCESS TO DERMATOLOGICAL SERVICES					
	2/11	3/07		TABLED ON	03/10	VOTE:		
HB0298	JOHNSON, ROYAL		EXTEND HEALTH CARE ADVISORY COUNCIL TO 2001; 2 YEAR TERMS; 3 TERMS MAX					
	3/28	4/07		CONCUR	4/7	VOTE:		4/08
HB0302	BOHLINGER, JOHN		REQUIRE PROTOCOL FOR REFERRING IMPAIRED DENTISTS TO REHAB					
	2/05	3/07		CONCUR AS AMENDED	3/10	VOTE:		3/12
HB0333	SOFT, LOREN		FETAL, INFANT, AND CHILD MORTALITY REVIEW TEAMS					
	2/21	3/17		CONCUR AS AMENDED	3/21	VOTE:		3/24
HB0340	KOTTEL, DEB		REVISE DEATH CERTIFICATE LAWS					
	2/08	3/05		CONCUR	3/5	VOTE:		3/06
HB0351	BOOKOUT, SYLVIA		CHANGE SANITARIAN TO ENVIRONMENTAL HEALTH SPECIALIST					
	2/11	3/10		CONCUR	3/10	VOTE: UNANIMOUS		3/12
HB0359	KASTEN, BETTY LOU		AMEND LAW RELATING TO LICENSURE OF HEALTH CARE FACILITIES					
	2/11	3/05		CONCUR	3/5	VOTE:		3/06
HB0365	MCGEE, DANIEL		CREATE OFFENSE OF CAUSING PARTIAL-BIRTH ABORTIONS					
	3/03	3/26		CONCUR	3/26	VOTE: 6-3		3/28
HB0370	TUSS, CARLEY		REVISE TUMOR REGISTRY LAWS					
	2/11	3/05		CONCUR	3/5	VOTE:		3/06

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on February 5, 1997, at 3:00 PM, in Room 410.

ROLL CALL

Members Present:
Sen. Steve Benedict, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Services Division
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:	HB 184, 1/29/97
	HB 107, 1/27/97
	SB 260, 1/31/97
Executive Action:	SB 144, SB 208, SB 55, SB 190, SB 61, SB 254, SB 34

{Tape: 1; Side: A; Approx. Time Count: 3:00 PM}

HEARING ON HB 184

Sponsor: **REP. RAY PECK, HD 91, Havre**

Proponents: **Glenn Martyn, PawsAbilities**
Lindsay Schmidt, PawsAbilities

Opponents: None

Opening Statement by Sponsor:
REP. RAY PECK, HD 91, Havre, referred to the second paragraph of a letter of support for HB 184 from Fran Buell who originated this legislation. **(EXHIBIT 1)** He said that paragraph explains what this bill is all about. Currently Montana law gives certain rights to those with trained service dogs, in terms of admission to public buildings, but those who have dogs in training don't have the same rights. The cost of training a dog is about $2,500.00. To train these dogs, they need to be exposed to all of the conditions and situations they will encounter after they are placed. This bill gives the trainer the right to have access and admission to public buildings, but that doesn't give them total freedom and the trainer is liable for damages that may be caused by the dog. He read the amendments proposed by the Delta Society. **(EXHIBIT 2)**

Proponents' Testimony:
Glenn Martyn, Director, PawsAbilities and Partners with Disabilities, Missoula, said service dogs are looked at as a health care option to meet specific needs for persons with disabilities. Service dogs are animals that provide service for various disabilities. There are hearing dogs, guide dogs, seizure alert dogs, and a variety of other types. These dogs are not pets but are trained to do a specific skill for specific disabilities. These dogs are placed in foster puppy program for the first 18 months, then go on to advanced training for specific skills. There are various kinds of identification (ID) worn by these dogs in training to identify the type of training they are receiving, hearing, sight, etc.

Lindsay Schmidt, trainer, PawsAbilities, has a service dog in training and she has taught him 22 commands and will have 40-50 at the end of training. She said she can take the dog into some businesses, but there are some stores and businesses have denied access, for one reason or another.

Opponents' Testimony: None

Questions From Committee Members and Responses:
SENATOR CHRIS CHRISTIAENS asked **Lindsay Schmidt** what kind of stores won't let her and the dog in.

Lindsay Schmidt said the Great Falls Hastings won't let her in because of a candy aisle, and the Ben Franklin store denied access because of their fabric.

CHAIRMAN STEVE BENEDICT asked **REP. RAY PECK** if he has a prepared amendment or some proposed amendments.

REP. PECK said he would rough it out and give it to the Legislative Council.

Closing by Sponsor:

REP. RAY PECK said HB 184 will help to enhance the training of service dogs.

HEARING ON HB 107

Sponsor: **REP. BETTY LOU KASTEN, HD 99, Brockway**

Proponents: **Mike Hanschew, Department of Health**
Charlie Briggs, Rocky Mtn. Agency on Aging
Randy Barrett, Rocky Mtn Agency on Aging
Susan Good, MT Assn. Life Underwriters and HEAL MT
Verner Bertleson, Senior Citizens Assn.
Irene Theurer, AARP
Tom Hopgood, Health Insurance Association of America
Clyde Daily, State Auditors Office
Dick Pattison, MT Senior Citizens Assn.
Charles Rehbein, DPHHS

Opponents: None

Opening Statement by Sponsor:
REP. BETTY LOU KASTEN, HD 99, Brockway, said HB 107 allows for the deduction of long-term care insurance premiums paid for by taxpayers for their parents or grandparents. The bill was amended in the House because of some problems with the interpretation by the Department of Revenue, because they were only allowing a 50% deduction of the premium. It has been rectified and there is a retroactive clause, putting this in compliance with the federal revenue codes.

Proponents' Testimony:
Mike Hanschew, Administrator, Senior and Long Term Care Division, Department of Health and Human Services, said they support this bill because it encourages people to assume some responsibility for the long term care of their family and avoid dependence on the state for long term care needs.

Charlie Briggs, Director, Rocky Mountain Agency on Aging, said they support HB 107.

Randy Barrett, Area Director, President, Rocky Mountain Agency Aging, said they support HB 107. **(EXHIBIT 3)**

Susan Good, Montana Association of Life Underwriters and HEAL MT, said they support HB 107. It has been a HEAL objective for people to take care of their own and this bill offers an incentive to do just that.

Verner Bertleson, representing Senior Citizens Association and the Legacy Legislature, said both of these groups are in support of anything that will increase the availability of long term care for seniors and cut the cost to the State. This bill does both.

EXHIBIT NO. 1
DATE 2/5/97
BILL NO. HB 124

TO: LEGISLATIVE HEARING COMMITTEE

HB124-PECK- Revising the laws relating to guide, hearing, service dogs, allowing guide, hearing, service dogs in training access to public places.

FROM: Fran Buell, Area Coordinator
PawsAbilities-Canine Partners for People with Disabilities

In August of 1996, I became involved in the PawsAbilities organization as a means to extend the existing 4-H Dog Care Project in Montana. The PawsAbilities "foster puppy" program offered 4-H members an opportunity to expand their project without owning a dog for the dogs entire lifetime, plus it would provide a positive learning experience for the 4-H'er and a valuable service to the State of Montana and its communities.

While working with the "foster puppies" and their 4-H handlers these past few months I have come to appreciate how difficult it is to get access to public buildings for these Service Dogs in training and their handlers. Current State laws allow access to public buildings to the disabled and their guide or hearing dogs. Service dogs for the mobility-disabled are not included in this access law, nor is the guide, hearing or service dog in training and their handler.

For those of us taking the responsibility of training these special dogs for future use by persons with disabilities, we must first secure permission into every store, park, or public facility before entering with the dogs. This involves: 1.) Finding the person with authority to allow admittance; 2.) Providing lengthy explanations, reasons and assurances that the dog and handler will not cause problems; 3.) Be required to wait for admittance to the facility while it is discussed with others in the facilities for final approval; 4.) If admittance is granted-adhere to restrictions such as being confined to certain areas of the facility, prior notification as to when the dog and handler will be in the facility(1-5 day prior notice), in the case where the handlers are under the age of 18 years-accompaniment of and adult is often required and 5.) When staying in motels, there is often a $5.00-$20.00 extra charge of allowing "a Pet" to stay.

These are just a few examples of what obstacles the people who have taken on this project to help the disabled. The people training these special dogs want to expose them to every conceivable situation to make sure the dogs accept every type of situation as "just part of their life" and not react unfavorably to these situations. They want to train the dog to lie quietly under the table while their master eats a meal in a restaurant; while in a shopping mall, they want to teach the dog to walk quietly by their master, paying no attention to noises or crowds.

When attending a basketball or a football game, the trainer wants to be able to teach a dog to lie quietly even when a cannon booms, a loud band plays or the crowd roars. In a classroom with its young master, the trainer wants to teach the dog to lie by its masters desk waiting for the command to retrieve a dropped pencil, even when a class bell rings or other students are moving about. The best and fastest way these dogs can learn to do this is through practice where these situations will arise. The dogs must experience a loud noise and be trained to remain calm; he must learn how to press elevator buttons by pressing the buttons, enter the elevator and assist his master in the elevator through actual practice and he must learn to do bank transaction by being able to jump up to the counter and retrieving the deposit ticket. This is why access is necessary in this learning process.

Dogs being trained for these uses are "working dogs" and not "pets". The dogs in training are required to wear capes or leashes identifying them as "Guide, Hearing or Service Dogs in Training" while they work in public. The handlers are screened and required to attend training sessions with the dog for the 12-18 months that the dogs are in "foster homes". Their progress is periodically evaluated by the PawsAbilities Director to make sure they are being trained and taken care of properly.

It is just common sense that these dogs and handlers, with proper identification such as a cape or leash with "in Training" designation be allowed access to public buildings. Such access would help insure these dogs would accept all situations as "part of their life". This access could shorten the initial training period and make it possible to place the working dog with a Partner with Disabilities sooner, thus allowing the disabled to enjoy freedoms in our communities they would not have otherwise.

I would encourage you to approve this revision, as it can only help those in our communities with disabilities.

Thank you for your time and consideration.

Fran Buell

6

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(FAX) 206-235-1076

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Website: http://www.deltasociety.org

PAGES: 1

SENATE HEALTH & WELFARE
EXHIBIT NO. 2
DATE 2/5/97
BILL NO. HB184

TO: Mr. Ray Peck, State Representative

COMPANY: MT State House of Representatives

FAX: 909-225-1600

PHONE: DATE: 1/29/97

FROM: Susan L. Duncan, RN
Coordinator, National Service Dog Center

RE: *HOUSE BILL # 184*

I have reviewed the second reading of HB 184. You have clearly been extremely thoughtful in incorporating guidance from the federal non-discrimination regulations. The bill is very readable and will be a model for other states that are revising their own statutes regarding people with disabilities who have service animals.

The few remaining concerns about this bill are:

1. Page 1, line 19--a bird is an animal. Isolating a species can lead to confusion such as, "Well, if a bird isn't an animal, maybe the iguana (etc.) isn't an animal."

2. Page 1, line 20--people are limited to "physical" disabilities. Service animals are also applicable for people who have mental disabilities. These are just as "legitimate" and should be included; otherwise, the state law will be more restrictive than the ADA, Fair Housing Act, etc. It is correct clinically and politically to distinguish "physical and mental disabilities". Likewise, isolating "including total or partial blindness or deafness" focuses the definition of disability on those two types of disabilities with which most people are familiar and can detract from other equally legitimate disabilities that people might not have thought of (cardiac disease, seizure disorders, etc.).

3. Page 1, line 30-Page 2, line 1--the person with the disability may be charged for damages only if a person who did not have a disability would be charged for similar damages under the same circumstances. Ex: In a restaurant, a person who does not have a disability accidentally knocks a glass to the floor and it breaks. The policy of the restaurant is not to charge for this type of accidental damage, so the person is not asked to pay for the damages. If a service dog's tail accidentally knocks the same type of glass from the table and it breaks, the person cannot be charged for the damage. However, if it is the policy of the restaurant to charge for damages such as more than one glass broken, or if a person carves the table edge or leg, then if a service animal breaks more than one glass or chews the table edge or leg and causes similar damage, then the person with the disability can be asked to pay for the damages.

4. The similar responsibilities of people who accompany service animals in training must be defined. As currently stated, it appears that only people with disabilities who have trained service animals may be required to compensate for damages, implying that people (with or without disabilities) who have service animals in training have no such obligation.

5. The ADA provides that places of public accommodation may restrict or deny access to service animals if the presence or behavior of the animal creates a fundamental alteration (like barking all night in a hotel) or safety hazard to the facility. This is an important provision that protects the rights of others to not be intruded upon by a service animal that is disruptive or destructive.

6. Specify the type of identification that service animals in training must wear.

I hope this is helpful. I would appreciate it if you could take a moment to fax me a note and let me know how this and our previous information contributed to your bill. I would be happy to review the next draft as well. I would also like a copy of the final draft to send to other states who inquire about how to revise their statutes. Thanks!

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on February 12, 1997, at 3:16 PM, in Room 410.

ROLL CALL

Members Present:
Sen. Steve Benedict, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)

Members Excused: None

Members Absent: Sen. Sharon Estrada (R)

Staff Present: Susan Fox, Legislative Services Division
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 305, SB 288, 2/7/97
SB 297, SB 298, 2/7/97
Executive Action: HB 107, 108, 184, 53
SB 297, 288, 305

HEARING ON SB 305

Sponsor: **SENATOR MACK COLE, SD 4, Hysham**

Proponents: **Hank Hudson, Admin. Child/Family Serv Div. DPHHS**
Arlette Randash, Eagle Forum

Opponents: **Kate Cholewa, MT Womens Lobby**
Barbara Booher, MT Nurses Assn.

Opening Statement by Sponsor:
SENATOR MACK COLE, SD 4, Hysham, said SB 305 has amendments. **(EXHIBIT 1)** This bill will help pregnant women who have a drug or alcohol problem. There are some excellent programs in the

EXECUTIVE ACTION ON HB 184

Motion: **SENATOR FRED THOMAS moved HB 184 BE CONCURRED IN.**

Motion: **SENATOR THOMAS moved the AMENDMENTS to HB 184 DO PASS.**

Discussion: **Susan Fox** explained the amendments.

SENATOR DOROTHY ECK referred to the last sentence of amendment 4, saying it doesn't make any sense.

Susan Fox said some words were left out, then read the sentence as it is supposed to read.

Vote: **The DO PASS motion for the AMENDMENTS to HB 184 PASSED UNANIMOUSLY.**

Discussion:
SENATOR THOMAS referred to page 1, line 30, liability for damage done. He said that seems to exclude damage done to personal property and asked **Susan Fox** to clarify.

Susan Fox said she can see how it could be interpreted that personal property is not included.

Motion/Vote: **SENATOR THOMAS moved a conceptual amendment striking "premise or facility" and inserting "property." The motion CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR THOMAS moved HB 184 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.**

SENATOR CHRIS CHRISTIAENS will carry HB 184.

EXECUTIVE ACTION ON SB 228

Discussion: **SENATOR THOMAS** said he thought, in reality, this bill was not designed to pass but was to initiate discussion for that hearing, and it should be tabled.

Motion: **SENATOR THOMAS moved SB 288 DO PASS.**

Motion: **SENATOR THOMAS moved to TABLE SB 228. The motion CARRIED UNANIMOUSLY.**

CHAIRMAN BENEDICT said he wished **SENATOR CHRISTIAENS** was present because he wanted the committee to act on SB 162.

HOUSE BILL NO. 184

INTRODUCED BY PECK, GILLAN, MASOLO, ROSE, WYATT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO GUIDE OR HEARING DOGS; DEFINING THE TERM "SERVICE ~~DOG~~" ANIMAL"; ALLOWING A ~~PHYSICALLY DISABLED~~ PERSON WITH A DISABILITY TO BE ACCOMPANIED BY A SERVICE ~~DOG~~ ANIMAL IN A PUBLIC PLACE; ALLOWING A SERVICE ~~DOG~~ ANIMAL IN TRAINING IN A PUBLIC PLACE; ALLOWING FULL ACCESS TO HOUSING ACCOMMODATIONS TO A PERSON TRAINING A SERVICE ~~DOG~~ ANIMAL; AND AMENDING SECTIONS 49-4-203 AND 49-4-214, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-4-203, MCA, is amended to read:

"**49-4-203. ~~Definition~~ Definitions.** (1) "Housing accommodation" means any real property or portion ~~thereof which~~ of real property that is used or occupied or is intended, arranged, or designed to be used or occupied as the home, residence, or sleeping place of one or more human beings ~~but~~. The term does not include any single-family residence the occupants of which furnish for compensation not more than one room ~~therein~~ within the residence.

(2) "Service ~~dog~~" ANIMAL" means a dog OR OTHER ANIMAL ~~OR A BIRD~~ individually trained to provide assistance to an individual with a ~~physical~~ disability~~, including total or partial blindness or deafness~~."

Section 2. Section 49-4-214, MCA, is amended to read:

"**49-4-214. Right to be accompanied by ~~a guide or hearing~~ service ~~dog~~ ANIMAL -- IDENTIFICATION FOR SERVICE ANIMALS IN TRAINING.** (1) ~~Every~~ A ~~totally or partially blind or deaf physically disabled~~ person WITH A DISABILITY has the right to be accompanied by a ~~guide or hearing~~ service ~~dog~~ ANIMAL~~, especially trained for the purpose,~~ or a service ~~dog~~ ANIMAL in training WITH IDENTIFICATION COMPLYING WITH SUBSECTION (4) in any of the places mentioned in 49-4-211(2) without being charged extra for the ~~guide or hearing~~ service ~~dog~~ ANIMAL. ~~He~~ The ~~physically disabled~~ person WITH A DISABILITY is liable for any damage done to the ~~premises or facilities~~ PROPERTY by ~~such~~

the ~~dog~~ ANIMAL.

(2) ~~Every~~ A ~~totally or partially blind or deaf~~ ~~physically disabled~~ person WITH A DISABILITY who has a ~~guide or hearing~~ service ~~dog~~ ANIMAL or who obtains a ~~guide or hearing~~ service ~~dog~~ ANIMAL is entitled to full and equal access to all housing accommodations as provided in 49-2-305 and 49-4-212. ~~He~~ The ~~physically disabled~~ person WITH A DISABILITY may not be required to pay extra compensation for the ~~guide or hearing~~ service ~~dog~~ ANIMAL but is liable for any damage done to the premises by the ~~guide or hearing~~ service ~~dog~~ ANIMAL.

(3) A person who is training a service ~~dog~~ ANIMAL is entitled to the same rights AND ASSUMES THE SAME RESPONSIBILITIES granted to a ~~physically disabled~~ person WITH A DISABILITY in this section.

(4) FOR THE PURPOSES OF THIS SECTION, ~~A SERVICE ANIMAL IN TRAINING MUST WEAR IDENTIFICATION IDENTIFYING THE ANIMAL AS A SERVICE ANIMAL IN TRAINING.~~ A SERVICE ANIMAL IN TRAINING THAT IS A DOG SHALL WEAR A LEASH, COLLAR, CAPE, HARNESS, OR BACKPACK THAT IDENTIFIES IN WRITING THAT THE DOG IS A SERVICE ANIMAL IN TRAINING. OTHER SERVICE ANIMALS IN TRAINING MUST ALSO BE IDENTIFIABLE BY WRITTEN IDENTIFICATION AS A SERVICE ANIMAL IN TRAINING. THE WRITTEN IDENTIFICATION FOR SERVICE ANIMALS IN TRAINING MUST BE VISIBLE AND LEGIBLE FROM A DISTANCE OF AT LEAST 20 FEET."

-END-